



Office of the Attorney General  
Washington, D. C. 20530

October 11, 1994

MEMORANDUM FOR ALL DEPARTMENT OF JUSTICE EMPLOYEES

FROM: THE ATTORNEY GENERAL *[Signature]*  
SUBJECT: Restrictions on Political Activities

As employees of the Department of Justice, we have been entrusted with the authority to enforce the laws of the United States, and with the responsibility to do so in a neutral and impartial manner. For the public to retain its confidence that we are adhering to our responsibility, we must ensure that politics -- both in fact and appearance -- does not compromise the integrity of our work.

Congress has recently amended the Hatch Act, 5 U.S.C. 7321-7326, to remove certain restrictions on political participation by most government employees. All Department of Justice employees, however, must continue to take care that their activities do not compromise the integrity of the Department in enforcing the law, or create a conflict or apparent conflict of interest with the neutral and impartial administration of justice.

Specific statutory restrictions on political participation applicable to all employees are set forth in Part I of the attachment to this memorandum.

In addition, under the new law, certain Justice Department employees continue to be subject to greater statutory restrictions, similar to those imposed by the pre-1994 law. These employees include career members of the Senior Executive Service (SES), and employees of the Criminal Division and Federal Bureau of Investigation (FBI). The additional restrictions applicable to these employees are set forth in Part II of the attachment.

Finally, although the additional restrictions of Part II cannot be imposed on career employees other than those specified in the previous paragraph, they can be imposed on political appointees. Under authority delegated by the President, I have determined as a policy matter that the Department should continue its practice of imposing these kinds of additional restrictions on its political appointees. The need to ensure the appearance and reality of the neutral enforcement of the law requires that our appointees be subject to the additional restrictions set forth in Part II. These restrictions, therefore, also will apply

to all Presidential appointees, Senate-confirmed Presidential appointees, non-career members of the SES, and Schedule C appointees.

The specific restrictions that apply to each category of Department of Justice employees are detailed in the attachment, which was prepared by the Office of Legal Counsel and the Department's Designated Agency Ethics Official. Please contact your component's ethics official for advice on applying these restrictions to particular cases.

**I. Restrictions Applicable to  
All Department of Justice Employees**

As noted above, all Department employees must take care that their activities do not compromise the integrity of the Department in enforcing the law, or create a conflict or apparent conflict of interest with the neutral and impartial administration of justice. To ensure these goals, Department employees may not:

- A. use their official authority or influence to interfere with or affect the result of an election, 5 U.S.C. 7323(a)(1);
- B. solicit, accept or receive a political contribution, 5 U.S.C. 7323(a)(2);<sup>1</sup> solicit, accept, or receive uncompensated volunteer services from an individual who is a subordinate, 5 CFR 734.303(d); or allow their official titles to be used in connection with fundraising activities, 5 CFR 734.303(c);
- C. run for nomination or election to public office in a partisan election, 5 U.S.C. 7323(a)(3);<sup>2</sup>
- D. solicit or discourage the political activity of any person who is a participant in any matter before the Department, 5 U.S.C. 7323(a)(4);
- E. engage in political activity (to include wearing political buttons), while on duty, while in a government occupied office or building, while wearing an official uniform or insignia, or while using a government vehicle, 5 U.S.C. 7324(a); or
- F. make a political contribution to their employer or employing authority, 18 U.S.C. 603.

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<sup>1</sup>The only statutory exception is for soliciting, accepting or receiving a political contribution to a multi-candidate political committee from a fellow member of a federal labor organization or certain other employee organizations, as long as the solicited employee is not a subordinate and the activity does not violate E infra.

<sup>2</sup>In certain designated communities, including Washington, D.C. and its suburbs, an employee may run for office in a local partisan election but only as an independent candidate and may receive, but not solicit, contributions. 5 U.S.C. 7325.

**II. Additional Restrictions Applicable to  
All Career SES, Criminal Division and FBI Employees; and to  
All Presidential, Senate-Confirmed Presidential, Non-Career SES  
and Schedule C Appointees**

Under the new law, members of the career SES, and employees of the Criminal Division and FBI, remain subject to additional prohibitions similar to those imposed by the prior law against taking an active part in political management or partisan political campaigns. See 5 CFR 734.402-412. Further, under authority delegated by the President, I have determined as a policy matter that these additional prohibitions should also apply to all political appointees.

This means that in addition to the restrictions set forth in Part I above, these individuals may not do such things as:

- G. distribute fliers printed by a candidate's campaign committee, a political party, or a partisan political group;
- H. serve as an officer of a political party, a member of a national, state, or local committee of a political party, an officer or member of a committee of a partisan political group, or be a candidate for any of these positions;
- I. organize or reorganize a political party organization or partisan political group;
- J. serve as a delegate, alternate, or proxy to a political party convention;
- K. address a convention, caucus, rally, or similar gathering of a political party or partisan political group in support of or in opposition to a candidate for partisan political office or political party office, if such address is done in concert with such a candidate, political party, or partisan political group;
- L. organize, sell tickets to, promote, or actively participate in a fundraising activity of a candidate for partisan political office or of a political party or partisan political group;

- M. canvass for votes in support of or in opposition to a candidate for partisan political office or a candidate for political party office, if such canvassing is done in concert with such a candidate, political party, or partisan political group;
- N. endorse or oppose a candidate for partisan political office or a candidate for political party office in a political advertisement, broadcast, campaign literature, or similar material if such endorsement or opposition is done in concert with such a candidate, political party, or partisan political group;
- O. initiate or circulate a partisan nominating petition;
- P. act as recorder, watcher, challenger, or similar officer at polling places in consultation or coordination with a political party, partisan political group, or a candidate for partisan political office; or
- Q. drive voters to polling places in consultation or coordination with a political party, partisan political group, or a candidate for partisan political office.